

## NATURAL RESOURCE COMMISSION[571]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 455A.5(6)“a,” 461A.3, 461A.35, 461A.43, and 461A.57, the Natural Resource Commission hereby gives Notice of Intended Action to adopt new Chapter 68, “Restrictions on Alcohol Use at State Parks, State Recreation Areas, and Public Access Areas on the Iowa Great Lakes During the Fourth of July Holiday,” Iowa Administrative Code.

The proposed new chapter bans alcohol as that term is defined in this chapter at all state parks, state recreation areas, and public access beaches on the Iowa Great Lakes during every Fourth of July holiday period. The specific time frame for the ban depends upon the weekday on which the holiday falls. Beer and wine, as defined in this chapter, may still be consumed at the campgrounds, picnicking areas located outside the beach area, rental shelters and lodges during the period of the ban.

It is well-documented that excessive alcohol consumption at public access beaches is destroying the resource and presenting legitimate safety risks to the public and Department personnel. Documented incidences at beaches due to excessive alcohol consumption include assaults, unconsciousness, public intoxication, drunk driving, destruction of public property, littering, public urination, indecent exposure, minors in possession, noise, trespassing, and overcrowding. Over the Fourth of July holiday, conservation officers are typically outnumbered several hundred to one and are therefore unable to manage the crowds or protect the resource from harm. These same problems have already been addressed at the local level with an alcohol ban on all city beaches. Unfortunately, the city ban has exacerbated the problem at the state beaches because they are now the sole public waterfront area permitting alcohol.

Public comments shall be accepted through July 13, 2010. Written comments should be directed to Kevin Szcodronski, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319; or E-mail [kevin.szcodronski@dnr.iowa.gov](mailto:kevin.szcodronski@dnr.iowa.gov). Persons who wish to convey their views orally before the public hearing may contact Kevin Szcodronski at (515)281-8674 or visit his office on the Fourth Floor of the Wallace State Office Building.

A public hearing will be held at Gull Point State Park Lodge, West Lake Okoboji, 1500 Harpen Street, Milford, Iowa, on July 13, 2010, beginning at 6:30 p.m. At the public hearing, persons may present their views either orally or in writing. Persons presenting comments at the hearing shall be asked to state their names and addresses for the record and to confine their remarks to the subject of the proposed chapter. Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 461A.3, 461A.35, 461A.47, and 461A.57.

The following amendment is proposed.

Adopt the following **new** 571—Chapter 68:

#### CHAPTER 68

#### RESTRICTIONS ON ALCOHOL USE AT STATE PARKS, STATE RECREATION AREAS, AND PUBLIC ACCESS AREAS ON THE IOWA GREAT LAKES DURING THE FOURTH OF JULY HOLIDAY

**571—68.1(455A,461A) Purpose.** The purpose of these rules is to ban alcoholic liquor, beer, and wine as each is defined in this chapter at state parks, state recreation areas, and public access beaches on the Iowa Great Lakes over the Fourth of July holiday to protect the resource from improper use, destruction, and littering and to ensure public and department personnel safety. This ban shall apply during the Fourth of July holiday as follows:

**68.1(1)** When the Fourth of July holiday is on a Tuesday, Wednesday, or Thursday, the ban shall be from the Friday before July 4 until the Sunday after.

**68.1(2)** When the Fourth of July holiday is on a Friday, Saturday, Sunday, or Monday, the ban shall be from the Thursday before July 4 through Monday.

**571—68.2(455A,461A) Definitions.**

*“Alcohol”* means the product of distillation of any fermented liquor rectified one or more times, whatever may be the origin thereof, and includes synthetic ethyl alcohol.

*“Alcoholic liquor”* means the varieties of liquor which contain more than 5 percent of alcohol by weight, beverages which contain more than 5 percent of alcohol by weight but which are not wine as defined in this rule, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the wine-making process containing more than 17 percent alcohol by weight or 21.25 percent of alcohol by volume, and susceptible of being consumed by a human being, for beverage purposes.

*“Beach”* or *“beach area”* means that portion of state parks, state recreation areas, and public access areas designated for swimming activity including the sand, a 200-foot buffer of land surrounding the sand or a designated area which is fenced in, and the water contiguous to the beach as marked by swim buoys or swim lines.

*“Beer”* means any liquor capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of one percent of alcohol by volume but not more than 5 percent of alcohol by weight but not including mixed drinks or cocktails mixed on the premises.

*“Department personnel”* means employees of the department of natural resources.

*“Wine”* means any beverage containing more than 5 percent alcohol by weight but not more than 17 percent of alcohol by weight or 21.25 percent of alcohol by volume obtained by the fermentation of the natural sugar contained in fruits or other agricultural products but excluding any product containing alcohol derived from malt or by the distillation process from grains, cereals, molasses, or cactus.

**571—68.3(455A,461A) Applicability.**

**68.3(1) Scope of ban.** Alcoholic liquor, beer, and wine, as defined in this chapter, are banned on every Fourth of July holiday as identified in subrules 68.1(1) and 68.1(2) at the following state parks, state recreation areas, and public access beaches:

- a. Crandall Public Access Beach, Big Spirit Lake
- b. Orleans Public Access Beach, Big Spirit Lake
- c. Gull Point State Park, West Lake Okoboji
- d. Emerson Bay Recreation Area, West Lake Okoboji
- e. Pikes Point State Park, West Lake Okoboji
- f. Triboji Public Access Beach, West Lake Okoboji

**68.3(2) Other restrictions.** Beer and wine, as defined in this chapter, are not banned at the picnicking areas outside of the beach area, campgrounds, rental shelters, and lodges at the locations listed in subrule 68.3(1). Alcoholic liquor is prohibited in all locations listed in subrule 68.3(1). Keg beer is permitted at the picnicking areas outside of the beach area, campgrounds, rental shelters and lodges at the locations listed in subrule 68.3(1) only as authorized pursuant to 571—Chapter 63.

**571—68.4(455A,461A) Penalty.** Any person violating this chapter is guilty of a simple misdemeanor.  
These rules are intended to implement Iowa Code sections 461A.3, 461A.35, 461A.47, and 461A.57.